

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

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PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 3395 to read:

§3395. Heat Illness Prevention in Outdoor Places of Employment.

(a) Scope and Application. This section applies to the control of risk of occurrence of heat illness. This is not intended to exclude the application of other sections of Title 8, including, but not necessarily limited to, sections 1230(a), 1512, 1524, 3203, 3363, 3400, 3439, 3457, 6251, 6512, 6969, 6975, 8420 and 8602(e). This section applies to all outdoor places of employment.

NOTE NO. 1: The measures required here may be integrated into the employer's written Injury and Illness Program required by section 3203, or maintained in a separate document.

NOTE NO. 2: This standard is enforceable by the Division of Occupational Safety and Health pursuant to Labor Code sections 6308 and 6317 and any other statutes conferring enforcement powers upon the Division. It is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees.

(b) Definitions.

“Acclimatization” means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat.

“Heat Illness” means a serious medical condition resulting from the body’s inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope and heat stroke.

“Environmental risk factors for heat illness” means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees.

“Personal risk factors for heat illness” means factors such as an individual’s age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body’s water retention or other physiological responses to heat.

~~“Preventative recovery period” means a period of time to recover from the heat in order to prevent heat illness.~~

~~“Shade” means blockage of direct sunlight. Canopies, umbrellas and other temporary structures or devices may be used to provide shade.~~ One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the

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purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Canopies, umbrellas, other temporary structures or devices, and natural sources such as trees and vines may be used to provide shade in any combination.

“Temperature” means the dry bulb temperature in degrees Fahrenheit obtainable by using a thermometer to measure the outdoor temperature in an area where there is no shade. While the temperature measurement must be taken in an area with full sunlight, the bulb or sensor of the thermometer should be shielded while taking the measurement (e.g., with the hand or some other object) from direct contact by sunlight.

(c) Provision of water. Employees shall have continuous, ready access to fresh, pure, suitably cool potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable. Where ~~it~~ drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (e) (f)(1)(C), shall be encouraged.

(d) Access to shade.

(1) Shade up when temperature exceeds 85 degrees Fahrenheit. When the outdoor temperature in the work area exceeds 85 degrees Fahrenheit, the employer shall have and maintain ~~Employees suffering from heat illness or believing a preventative recovery period is needed, shall be provided access to an area one or more areas~~ with shade at all times while employees are present that is ~~are~~ either open to the air or provided with ventilation or cooling for a period of no less than five minutes. The amount of shade present shall be at least enough to accommodate 25% of the employees on the shift at any time, so that they can sit fully in the shade without having to be in physical contact with each other. The shaded area shall be located as close as practicable to the areas where employees are working, and in no case shall be at a distance that the employee cannot reach within 5 minutes.

(2) Shade available when temperatures do not exceed 85 degrees Fahrenheit. When the outdoor temperature in the work area does not exceed 85 degrees Fahrenheit employers shall either provide shade as per subsection (d)(1) or provide timely access to shade upon request.

(3) Employees shall be encouraged to take a cool-down rest in the shade for a period of no less than five minutes at a time when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times.

(4) EXCEPTIONS:

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(A) Infeasible to have shade up. A shade-upon-request procedure may be used in lieu of maintaining an area of shade as required by subsection (d)(1) where the employer can demonstrate that it is infeasible to comply with subsection (d)(1) and the alternative procedure will provide comparable protection from heat.

(B) Cooling measures other than shade. Except for employers in the agricultural industry, cooling measures other than shade (e.g., use of misting machines) may be provided in lieu of shade if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool.

(e) High-heat procedures. The employer shall implement high-heat procedures when the temperature equals or exceeds 95 degrees Fahrenheit. These procedures shall include all of the following to the extent practicable:

(1) Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the worksite can contact a supervisor when necessary. An electronic device such as a cell phone or text messaging device may be used for this purpose only if reception in the area is reliable.

(2) Using a buddy system.

(3) Observing employees for alertness and signs or symptoms of heat illness.

(4) Reminding employees throughout the work shift to drink plenty of water.

(5) Close supervision of a new employee by a supervisor or designee for the first 14 days of the employee's employment by the employer, unless the employee indicates at the time of hire that he or she has been doing similar outdoor work for at least 10 of the past 30 days for 4 or more hours per day.

(f) Training.

(1) Employee training. No employee or supervisor shall begin outdoor work to which this section applies unless the employee or supervisor has received the training required by this section. Effective Ttraining in the following topics shall be provided to all supervisory and non-supervisory employees:;

(A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.;

(B) The employer's procedures for complying with the requirements of this standard;.

(C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties;.

(D) The importance of acclimatization;.

(E) The different types of heat illness and the common signs and symptoms of heat illness;.

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(F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers;

(G) The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary;

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider;

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

(2) Supervisor training. Prior to assignment to supervision of employees working in the heat, training on the following topics shall be provided:

(A) The information required to be provided by section ~~(e)~~(f)(1) above.

(B) The procedures the supervisor is to follow to implement the applicable provisions in this section.

(C) The procedures the supervisor is to follow when an employee exhibits symptoms consistent with possible heat illness, including emergency response procedures.

(D) How to monitor weather reports and how to respond to hot weather advisories.

(3) The employer's procedures for complying with each requirement of this standard required by subsections ~~(e)~~(f)(1)(B), (G), (H), and (I) shall be in writing and shall be made available to employees and to representatives of the Division upon request.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.